

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 19, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-13478 - APPLICANT: CHIC DESIGNER BOUTIQUE -
OWNER: WEST SAHARA ASSOCIATES**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Secondhand Dealer use.
2. This approval shall be void one year from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The sale of secondhand items shall be limited to secondhand clothing and clothing accessories.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed Secondhand Dealer (Clothing) at 6378 West Sahara Avenue.

EXECUTIVE SUMMARY

The proposed Secondhand Dealer would sell consignment or secondhand clothing and clothing accessories. The site is in compliance with all applicable plans and policies. Approval of this Special Use Permit request is recommended.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|--|
| 03/19/86 | The City Council approved a Rezoning (Z-0016-86) from N-U (Non-Urban) to C-1 (Limited Commercial) on the subject site. The Planning Commission and staff recommended approval. |
| 05/24/88 | The Planning Commission approved a Plot Plan Review [Z-0016-86(3)] for a retail shopping center and theater on the subject site. Staff recommended approval. |
| 01/03/01 | The City Council approved a request for a Special Use Permit (U-0197-00) for a restaurant service bar. Staff and the Planning Commission recommended approval on 11/16/00. |
| 01/17/01 | The City Council approved a request for a Special Use Permit (U-0121-01) to allow secondhand sales in conjunction with a sporting goods store. Staff and the Planning Commission recommended approval on 09/06/01. |
| 02/16/05 | The City Council denied an appeal of a denial vote by the Planning Commission for a Special Use Permit (SUP-3394) for a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at the same location on the subject site. Staff recommended approval and the Planning Commission recommended denial on 01/08/04. |
| 04/19/06 | The City Council denied a Special Use Permit (SUP-10236) for a proposed Billboard. The Planning Commission and staff recommended denial. |

06/22/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #7/ng).

B) Pre-Application Meeting

04/21/06 A pre-application meeting was held and elements of a Special Use Permit were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Special Use Permit, nor was one held.

D) Business License Information

If the subject Special Use Permit is approved, the applicant would be able to apply for a Secondhand Dealer Class II business license. The definition for the license is listed below. The applicant does not have any history for similar businesses within the City of Las Vegas under the provided applicant and/or owner name.

Category	Category Name
S25	Secondhand Dealer Class II
Description	
A secondhand dealer license authorizes the licensee to buy, sell or trade secondhand or used personal property as well as advertise the business. "...Permits secondhand dealers of any of the following used articles: wearing apparel, furniture, fixtures, appliances, tableware, office supplies, pictures, paintings, jewelry, cutlery, guns or other secondhand articles except those which fall within Class I." "...Permits secondhand dealers of any of the following used articles: wearing apparel, furniture, fixtures, appliances, tableware, office supplies, pictures, paintings, jewelry, cutlery, guns or other secondhand articles except those which fall within Class I." Bond: Prior to issuance of a Class I-A, I-B, II, or III-A license, the licensee must post a \$5,000.00 surety bond. Other Requirements: Identifiable property must be kept for a period of 30 days before disposal. Class I businesses must be enclosed by an 8 foot tall fence. No piles of stored vehicle parts can exceed 8 feet in height and cannot be within 2 feet of the fence. There are numerous other requirements in this Chapter. Most have to do with record keeping and reporting requirements. The Las Vegas Metropolitan Police Department, Pawn Detail, is charged with the task of overseeing the daily operations of these businesses.	

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 5.34

B) Existing Land Use

Subject Property: Shopping Center
North: Mini Storage
South: Clark County (Commercial)
East: Car Dealership
West: Car Dealership

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: Clark County
East: GC (General Commercial)
West: GC (General Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: Clark County
East: C-2 (General Commercial)
West: C-2 (General Commercial)

E) General Plan Compliance

The site is designated as SC (Service Commercial) under the Southwest Sector Plan of the General Plan. The Service Commercial designation allows low to medium intensity retail, office, or other commercial uses including the proposed use as a Secondhand Dealer.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification	X	
Development Impact Notification Assessment		X
Project of Regional Significance	X	

County/North Las Vegas/HOA Notification

The project is located within 500 feet of the boundary with Clark County. All appropriate municipalities and associations will be notified.

Project of Regional Significance

The project is a request for a Special Use Permit within 500 feet of Clark County and therefore qualifies as a Project of Regional Significance. Specifics are addressed in the Interagency Issues section of the report.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance” for the following reasons:

1) Any Special Use Permit within 500’

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. No comments were received regarding this project. The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

The proposed Secondhand Dealer will be located in an existing shopping center. This will be a retail use replacing a retail use and therefore will not increase the parking requirements on the site.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Secondhand Dealer use.

B) General Analysis and Discussion

- **Zoning**

The property is zoned C-1 (Limited Commercial). The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The proposed use as a Secondhand Dealer is permissible in the C-1 (Limited Commercial) District with approval of a Special Use Permit. This application is intended to satisfy that requirement.

- **Use**

“Secondhand Dealer” means a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For purposes of this definition, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles. Used articles may include wearing apparel, furniture, fixtures, appliances, tableware, offices supplies, pictures, paintings, jewelry, cutlery or guns.

In the case of this establishment the proposal is to sell consignment or secondhand clothing and related items. The applicant currently owns and operates a new clothing store in this shopping center. This would be a separate location and the sale of secondhand goods shall be limited to this location. Additionally a condition shall be added limiting the item offered for sale to secondhand clothing and clothing accessories.

- Conditions

SECONDHAND DEALER [C-1, C-2]

- (*1) No outdoor display, sales or storage of any merchandise shall be permitted.
- (*2) The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code.
- (*3) No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Secondhand Dealer will be located in an existing shopping center. This location is intended to be used for small retail and other commercial development. This includes the proposed Secondhand Dealer. The proposed land use can be conducted in a manner that is harmonious and compatible with surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed location in an existing shopping center is physically suitable for the type and intensity of land use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to this shopping center is provided via Sahara Avenue, a 100-foot Primary Arterial, and Torrey Pines Drive, an 80-foot Secondary Collector. Together these streets provide adequate traffic flow for the shopping center, including the proposed Secondhand Dealer.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this Special Use Permit will not compromise the public health or general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 5

SENATE DISTRICT 8

NOTICES MAILED 215 by City Clerk

APPROVALS 0

PROTESTS 1